

Applicant : David Stern  
Serial No. : 09/682,837  
Filed : 10/23/01  
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Attorney's Docket No.: 3371.1

10/157,252 filed May 28, 2002, which is a continuation of U.S. Application Serial No. 09/247,430, filed February 10, 1999, which is a continuation of U.S. Application No. 08/630,051, filed April 9, 1996, now U.S. Patent No. 5,874,219, which is a continuation of U.S. Application No. 08/476,850, filed June 7, 1995, now U.S. Patent No. 5,545,531. The present application relates to U.S. Provisional Patent Applications Serial No. 60/242,859 filed October 24, 2000 and Serial No. 60/244,817 filed October 31, 2000 both of which are hereby incorporated by reference herein in their entireties for all purposes.—

#### REMARKS

Claims 2-20 have been examined and all stand rejected. Claims 1 and 21-35 have been canceled in response to a final restriction requirement so that they may be prosecuted in a continuation or divisional application. No new matter is included in this Amendment, no claims have been added or canceled, and thus no additional claim fees are due as a result of this Amendment. Attached hereto as Appendix A captioned "Version with Markings to Show Changes Made" is a marked-up version of the changes made to the specification by the current amendment.

After consideration of the Examiner's views, and with the benefit of the interview of March 3, 2002 referred to above, Applicant has corrected the inventorship to include Richard P. Rava. Also, the Specification has been amended to include a claim of priority to, *inter alia*, Rava, *et al.*, U.S. No. 5,545,531. Both the Rava patent and the present application are assigned to the same entity, Affymetrix, Inc. ( please see the attached Statement Under 1.48(a)(5) with attached Certificate of ownership).

#### Amendment of the Specification

The specification has been amended so that priority is claimed to a line of patents and patent applications including Rava, *et al.*, U.S. No. 5,545,531.

#### Claim Rejections – 35 USC §102(b)

Claims 2, 3, 5-12, and 16-20 have been rejected under 35 USC §102(b) as being anticipated by Rava, *et al.*, U.S. No. 5,545,531. Applicant respectfully requests reconsideration

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in view of the amended claim of priority to the '531 patent, which eliminates it as a reference under §102(b). The entirety of U.S. No. 5,545,531 is incorporated by reference into the present application at paragraph 45 thereof. The disclosures of the '531 patent are therefore included in the disclosures of the present application and are available to provide support for claims herein.

Claim Rejections – 35 USC §103(a)

Claims 13-15 have been rejected under 35 USC §103(a) as being unpatentable over Rava, *et al.*, U.S. No. 5,545,531 in view of Schembri, *et al.*, U.S. No. 6,258,593. Applicant respectfully requests reconsideration in view of the elimination of Rava as a reference.

**CONCLUSION**

Applicants respectfully submit that this Supplemental Amendment, together with the Amendment filed on January 17, 2003, address all of the outstanding rejections, thereby placing the application in condition for immediate allowance. Allowance of this application is therefore respectfully requested.

If any fees are necessary to enable entry and consideration of this Supplemental Amendment, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to Deposit Account No. 01-0431. If an extension of time is needed that is not accounted for in the papers filed with this Amendment, then the extension is hereby requested. The necessary extension fee also may be charged to Deposit Account No. 01-0431.

Respectfully submitted,



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**APPENDIX A  
VERSION WITH MARKINGS TO SHOW CHANGES MADE**

The first paragraph of page 1 of the specification under "Related Applications" has been amended as follows:

**RELATED APPLICATIONS**

The present application claims priority from U.S. Provisional Patent Application Serial No. 60/242,975 filed October 24, 2000, hereby incorporated by reference herein in its entirety for all purposes. The present application is also a continuation of U.S. Application Serial No. 10/157,252 filed May 28, 2002, which is a continuation of U.S. Application Serial No. 09/247,430, filed February 10, 1999, which is a continuation of U.S. Application No. 08/630,051, filed April 9, 1996, now U.S. Patent No. 5,874,219, which is a continuation of U.S. Application No. 08/476,850, filed June 7, 1995, now U.S. Patent No. 5,545,531. The present application relates to U.S. Provisional Patent Applications Serial No. 60/242,859 filed October 24, 2000 and Serial No. 60/244,817 filed October 31, 2000 both of which are hereby incorporated by reference herein in their entireties for all purposes.